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ELECTION OF THE MEMBERS OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

Note by the Registrar of the International Tribunal for the Law of the Sea on the election procedures

1. The International Tribunal for the Law of the Sea is constituted in accordance with article 287 of the United Nations Convention on the Law of the Sea and the Statute of the Tribunal (annex VI to the Convention). The Tribunal is composed of 21 members. Part XV of the Convention requires that States Parties shall settle disputes between them concerning the interpretation or application of the Convention by the peaceful means set out in Article 33 of the Charter of the United Nations. Article 286 of the Convention stipulates that, where no settlement has been reached by recourse to such means as the parties to the dispute may choose, the dispute shall be submitted at the request of any party to the court or tribunal having jurisdiction under section 2 of Part XV. Article 287 identifies the Tribunal as the central forum for this purpose.

2. The first election of members of the Tribunal by the Meeting of States Parties to the United Nations Convention on the Law of the Sea was held on 1 August 1996. In accordance with article 5 of the Statute, the members of the Tribunal shall be elected for nine years and may be eligible for re-election, provided, however, that of the members elected at the first election, the terms of seven members shall expire at the end of three years and the terms of seven more members shall expire at the end of six years.

3. The members of the Tribunal whose terms are to expire at the end of the initial periods of three and six years were chosen by lot drawn by a representative of the Secretary-General of the United Nations immediately after the first election. The 21 members elected and currently serving, with an indication of their terms of office, are listed in the annex to the present note.

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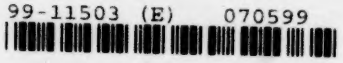

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4. The procedure for the first election, consistent with article 5, paragraph 2, of the Statute of the Tribunal, as determined by the Meeting of States Parties at its fifth meeting,[1] is set out in document SPLOS/L.3/Rev.1 of 31 July 1996. In adopting the procedure contained in SPLOS/L.3/Rev.1, the Meeting, inter alia, decided that the 21 members of the Tribunal shall be elected as follows:

(a) Five judges from the African Group;

(b) Five judges from the Asian Group;

(c) Four judges from the Latin American and Caribbean Group;

(d) Four judges from the Western European and Other States Group;

(e) Three judges from the Eastern European Group.

5. The fifth Meeting of States Parties decided that the arrangements would be applicable to the first election and would not prejudice the arrangements for any other election.[2]

6. The terms of office of the members begin to run from 1 October following the date of the election, in accordance with article 2, paragraph 1, of the Rules of the Tribunal.[3]

7. In accordance with the decision taken at the eighth Meeting of States Parties, the elections to fill the places of the seven members whose terms of office expire on 30 September 1999 will be held on 24 May 1999 at the ninth Meeting of States Parties, to be held at United Nations Headquarters from 19 to 28 May 1999.[4]

8. Pursuant to article 4, paragraph 2, of the Statute and the decision of the eighth Meeting of States Parties, the Registrar of the Tribunal, addressed a note to States Parties on 24 November 1998 informing them that the nominations of candidates would open on 18 December 1998 and inviting them to submit by 17 February 1999 the names of candidates whom their Governments might wish to nominate for election as members of the Tribunal together with statements of qualifications of such candidates.

9. A list of all persons nominated, in alphabetical order, with an indication of the States Parties which have nominated them, prepared by the Registrar in accordance with article 4, paragraph 2, of the Statute and issued in cooperation with the Secretary-General of the United Nations, was circulated to States Parties in document SPLOS/32. The curricula vitae of the candidates nominated will be circulated.

10. Articles 2 and 3 of the Statute provide as follows:

"Article 2

"Composition

"1. The Tribunal shall be composed of a body of 21 independent members, elected from among persons enjoying the highest reputation for fairness and integrity and of recognized competence in the field of the law of the sea.

"2. In the Tribunal as a whole the representation of the principal legal systems of the world and equitable geographical distribution shall be assured.

"Article 3

"Membership

"1. No two members of the Tribunal may be nationals of the same State. A person who for the purposes of membership in the Tribunal could be regarded as a national of more than one State shall be deemed to be a national of the one in which he ordinarily exercises civil and political rights.

"2. There shall be no fewer than three members from each geographical group as established by the General Assembly of the United Nations."

11. Article 4 of the Statute provides that the members of the Tribunal shall be elected by secret ballot from the list of candidates prepared by the Registrar, as referred to in paragraph 9 above, at a meeting of States Parties convened for that purpose by the Secretary-General. Two thirds of the States Parties shall constitute a quorum at such meeting.

12. Article 4, paragraph 4, of the Statute stipulates that the persons elected to the Tribunal shall be those nominees who obtain the largest number of votes and a two-thirds majority of States Parties present and voting, provided that such majority includes a majority of the States Parties.

Notes

[1] SPLOS/14, para. 15.

[2] SPLOS/L.3/Rev.1, para. 12.

[3] Article 2, paragraph 1, of the Rules of the Tribunal (ITLOS/8) provides:

"The term of office of members elected at a triennial election shall begin to run from 1 October following the date of the election."

[4] SPLOS/31, para. 71.

ANNEX

Members of the International Tribunal for the Law of the Sea and their terms of office*

Name	Nationality	Date of expiry of term of office
Thomas A. Mensah	Ghana	30 September 2005
Rüdiger Wolfrum	Germany	30 September 1999
Lihai Zhao	China	30 September 2002
Hugo Caminos	Argentina	30 September 2002
Vicente Marotta Rangel	Brazil	30 September 1999
Alexander Yankov	Bulgaria	30 September 2002
Soji Yamamoto	Japan	30 September 2005
Anatoly Lazarevich Kolodkin	Russian Federation	30 September 1999
Choon-Ho Park	Republic of Korea	30 September 2005
Paul Bamela Engo	Cameroon	30 September 1999
L. Dolliver M. Nelson	Grenada	30 September 2005
P. Chandrasekhara Rao	India	30 September 1999
Joseph Akl	Lebanon	30 September 1999
David Anderson	United Kingdom	30 September 2005
Budislav Vukas	Croatia	30 September 2005
Joseph Sinde Warioba	United Republic of Tanzania	30 September 1999
Edward Arthur Laing	Belize	30 September 2002
Tullio Treves	Italy	30 September 2002
Mohamed Mouldi Marsit	Tunisia	30 September 2005
Gudmundur Eiriksson	Iceland	30 September 2002
Tafsir Malick Ndiaye	Senegal	30 September 2002

* Members are listed in order of precedence.